REMARKS

Claims 1-3, 5, 49, 51-65, 67-80 and 82-92 were previously pending, with Claims 52, 53, 58, 59, 67, 68 , 73, 74, 82, 83, 88 and 89 withdrawn from consideration. New Claims 107-109 have been added. Therefore, Claims 1-3, 5, 49, 51-65, 67-80, 82-92, and 107-109 are now pending.

Claims 1-3, 5, 49, 51, 54-57, 60-65, 69-72, 75-80, 84-87, and 90-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,546,405 to Gupta et al. (hereinafter "Gupta"), in view of U.S. Publication No. 2004/0107439 to Hassell et al. (hereinafter Hassell), further in view of US Patent No. 6,362,837 to Ginn.

Claim 1

Claim 1, as amended, recites:

A method for displaying a message indicator in association with a predetermined interval of playback of an audiovisual production, the method comprising:

playing back the audiovisual production in a first screen display size;

displaying the message indicator during at least a portion of the predetermined interval of playback of the audiovisual production;

determining that a user has selected the message indicator while the message indicator is displayed;

automatically resizing the first screen display size to be a second screen display size that is smaller than the first screen display size, the second screen display size including the playback of the audiovisual production;

providing a text window, wherein at least a portion of the text window is included in a portion of space previously occupied by the first screen display size;

displaying at least a portion of a message in response to the user selection of the message indicator in the text window, wherein the message is included in a thread of a plurality of messages;

providing an interface via which ratings for respective of a plurality of messages in a thread can be selected;

providing an interface via which filtering and/or sorting of the plurality of messages can be selected based at least in part on associated ratings;

in response to receiving a first user input, displaying one or more messages in a third screen display size and automatically pausing playback of the audiovisual production while displaying the one or more messages in the third screen display size, wherein the third screen display size is larger than the second screen display size and is larger than the text window;

and

in response to receiving a second user input after receiving the first user input, resuming playback of the audiovisual production.

The combination of Gupta, Hassell, and Ginn fails to teach or suggest multiple features of Claim 1, as well as the combination of features recited in Claim 1.

For example, the combination of Gupta, Hassell, and Ginn fails to disclose that in response to a first user input, displaying one or more messages in a screen display size larger than a screen display size that had been used to display an audio visual presentation (which in turn is smaller than an earlier screen size used to display the audio visual presentation) and larger than a text window that had been used to display messages in conjunction with the audio visual presentation.

Further, Gupta, Hassell, and Ginn fail to even mention automatically pausing playback of an audiovisual production while displaying a message. Still further, the combination of Gupta, Hassell, and Ginn fails to disclose resuming playback of the audiovisual production in response to receiving a second user input.

Therefore, the combination of Gupta, Hassell, and Ginn fails to teach or suggest at least the following features:

> *in response to receiving a first user input, displaying one or more messages in a third screen display size and automatically pausing playback of the audiovisual production while displaying the one or more messages in the third screen display size, wherein the third screen display size is larger than the second screen display size and is larger than the text window;*
>
> *and*
>
> *in response to receiving a second user input after receiving the first user input, resuming playback of the audiovisual production*

In addition to the lack of teaching of each of the above-recited features of Claim 1, the combination of Gupta, Hassell, and Ginn also fails to teach or suggest the combination of features recited in Claim 1. Accordingly, Applicant respectfully requests reconsideration and allowance of amended Claim 1 and any claims that depend therefrom.

Claim 3

Claim 3 is believed to be in condition for allowance over the cited art at least for the same reasons as its base claim, as well as its unique patentable features.

In addition, with respect to Claim 3, the Office Action alleges:

Gupta discloses accepting a signal from a viewer input device to resize an area used to display the audiovisual production in col. 5 lines 19-63. Gupta discloses

accepting a signal from a viewer input device to allow resizing of the text window in col. 6 lines 43-64 and col. 9 line 61 - col. 10 line 14.

However, the Office Action has inadvertently mischaracterized Gupta. The citations relied upon by the Office Action make no mention of accepting a signal from a user input device to resize an area used to display the audiovisual production and accepting a signal from a user input device to allow resizing of the text window. In particular, the citations recite:

Col. 5 lines 19-63

FIG. 2 is an illustrative example of a display 200 in display screen 122 (FIG. 1B) of the content of multimedia document 140 (FIG. 1C). Display 200 (FIG. 2) includes a video window 210, a set of video playback control buttons 220, a table of contents 230, and an HTML page window 240. Multimedia document player 110 (FIG. 9) displays motion video content 902 of multimedia document 140 in video window 210 (FIG. 2). Motion video content 902 (FIG. 9) is generally a sequence of frames, each of which is a single graphical image in a motion video image. Each of the frames of motion video content 902 is associated with a particular time which is generally relative to a base time associated with the first frame of motion video content 902. Multimedia document player 110 includes a temporal display module 956 which retrieves frames from motion video content 902 and displays those frames through a display output module 958 at the relative time of each retrieved frame. The relative time of a currently displayed frame of motion video content 902 is stored as a current relative time 960.

Current relative time 960 provides a good temporal context for temporal annotations. Display of motion video content 902 by temporal display module 956 is synchronized in that each frame is displayed at approximately the relative time indicated by the time of the frame. In addition, temporal display module 956 uses current relative time 960 to synchronize playback of motion video content 902, audio content 904, annotation stream 912, and any other temporally-dimensioned content such as animations and slide shows. For example, each individual sample of a digitized sound, each graphical image of an animation, and each individual document of a slide show is associated with a relative time in the same temporal context of motion video content 902 and is presented to the user generally as current relative time 960 reaches the associated relative time of each sample, graphical image, and document, respectively. Accordingly, associating a temporal annotation with a particular relative time as represented in current relative time 960 places the temporal annotation in a temporal context of the temporally-dimensioned content of multimedia document 140. Accordingly, multimedia document player 110 can synchronize display of temporal annotations with display of the temporally-dimensioned content of multimedia document 140, e.g., motion video content 902, audio content 904, and annotation stream 912.

Col. 6 lines 43-64

Table of contents 230 (FIG. 2) generally includes a list of topical headings representing an organizational structure of the substantive content of multimedia document 140 (FIG. 9). Table of contents links 914 includes data representing each heading and an associated relative time in the synchronized playback of motion video content 902 and audio content 904 in video window 210 (FIG. 2) and loudspeaker 120B (FIG. 1B), respectively. Each heading of table of contents 230 (FIG. 2) therefore is associated with a relative time in the playback of temporally-dimensioned content of multimedia document 140 (FIG. 9). In addition, each heading of table of contents 230 (FIG. 2) is active in that user interface module 184 (FIG. 9) detects actuation of any of the headings using conventional user interface techniques and, in response thereto, directs temporal display module 956 to jump to the particular time associated with the actuated heading. In jumping to a particular time, temporal display module 956 sets current relative time 960 to the particular time and resumes playback of the substantive content of multimedia document 140. Specifically, multimedia document player 110 (i) displays in video window 210 (FIG. 2) a frame of motion video content 902 (FIG. 9) near the particular time and continues motion video playback of motion video content 902 from that frame, and (ii) reproduces in loudspeaker 120B (FIG. 1B) a sample of audio content 904 near the particular time. In this way, multimedia document player 110 synchronizes playback of audio content 904 such that audio content associated with that particular relative time is reproduced and synchronized with playback of motion video content 902. Table of contents 230 (FIG. 2) allows a user to view a particular portion of temporally-dimensioned content of multimedia document 140 (FIG. 9) without requiring playback of the entirety of the temporally-dimensioned content of multimedia document 140.

HTML page window 240 (FIG. 2) includes representation of text 906 (FIG. 9) and static graphical images 908 of multimedia document 140 in a hypertext markup language (HTML) format. HTML is well known and is displayed in the Internet Explorer HTML player available from Microsoft Corporation of Redmond, Wash. The displayed contents of HTML page window 240 (FIG. 2) can be completely static and change only in response signals generated by a user using graphical user interface techniques. Alternatively, the displayed contents of HTML page window 240 can change in a manner which is synchronized with video and audio playback of motion video content 902 (FIG. 9) and audio content 904 of multimedia document 140. In the latter instance, the HTML content of multimedia document 140 displayed in HTML page window 240 (FIG. 2) is in the form of annotation stream 912 (FIG. 9) which is described more completely in U.S. patent application Ser. No. 08/819,585 by Edward Yan-bing Wang et al. entitled "Streaming and Displaying a Video Stream with Synchronized Annotations Over a Computer Network" filed Mar. 14, 1997 (hereinafter the '585 Application) and that description is incorporated herein by reference.

Col. 9 line 61 –col. 10, line 14

> *Content field 310 (FIG. 3) contains data representing the substantive content of the temporal annotation as authored by the user. The user enters the data representing the content using conventional and well known user interface techniques. As described above with respect to title field 308, the data representing the content in content field 310 can be as simple as ASCII text or as complex as HTML code. In an embodiment in which content field 310 contains HTML code, the content added by the user in creating temporal annotation entry 300 can include text, graphics, motion video and/or audio, or links to text, graphics, motion video and/or audio, which is relevant to the content of multimedia document 140 (FIG. 1C) at the relative time represented by time field 302 (FIG. 3) together with time units field 304. In addition, content field 310 can store motion video signals and/or audio signals in any of a number of conventional forms other than HTML code. Thus, in essence, content field 310 contains data representing the substantive content the user wishes to include with the presentation of multimedia document 140 (FIG. 1C) at the relative time represented by time field 302 (FIG. 3) and time units field 304.*

A careful review of the foregoing citations demonstrates that they completely fail to disclose or suggest accepting a signal from a user input device to resize an area used to display the audiovisual production and accepting a signal from a user input device to allow resizing of the text window.

Claim 5

Claim 5 is believed to be in condition for allowance over the cited art at least for the same reasons as its base claim, as well as its unique patentable features.

In addition, with respect to Claim 5, the Office Action alleges:

> *Gupta discloses wherein the message includes an icon defining a portion of the audiovisual production to be displayed upon selection of the icon in col. 9 line 45 - col. 10 line 30.*

However, the Office Action has inadvertently mischaracterized Gupta. The citation relied upon by the Office Action makes no mention of an icon defining a portion of the audiovisual production to be displayed upon selection of the icon. Instead, the citation relates to annotation input fields, rather then what is displayed during a predetermined interval of playback of an audiovisual production. In particular, col. 9, line 45-col. 10, line 30 of Gupta recites:

Title field 308 (FIG. 3) contains data representing a title by which the temporal annotation represented by temporal annotation entry 300 is identified. The title is generally determined by the user and the user enters the data representing the title using conventional and well known user interface techniques. In one embodiment, the user enters the data representing the title by pressing keys on a conventional keyboard of user input devices 130 (FIG. 1B). The data can be as simple as ASCII text or as complex as HTML code which can include text having different fonts and type styles, graphics including wallpaper, motion video images, audio, and links to other multimedia documents. While simple titles are typically preferred by users of multimedia document players, the flexibility of HTML code allows each user to determine exactly how complex the title of the temporal annotation should be.

Content field 310 (FIG. 3) contains data representing the substantive content of the temporal annotation as authored by the user. The user enters the data representing the content using conventional and well known user interface techniques. As described above with respect to title field 308, the data representing the content in content field 310 can be as simple as ASCII text or as complex as HTML code. In an embodiment in which content field 310 contains HTML code, the content added by the user in creating temporal annotation entry 300 can include text, graphics, motion video and/or audio, or links to text, graphics, motion video and/or audio, which is relevant to the content of multimedia document 140 (FIG. 1C) at the relative time represented by time field 302 (FIG. 3) together with time units field 304. In addition, content field 310 can store motion video signals and/or audio signals in any of a number of conventional forms other than HTML code. Thus, in essence, content field 310 contains data representing the substantive content the user wishes to include with the presentation of multimedia document 140 (FIG. 1C) at the relative time represented by time field 302 (FIG. 3) and time units field 304.

Identifier field 312 stores data which uniquely identifies temporal annotation entry 300 in the same manner GUID 1002 (FIG. 10) uniquely identifies multimedia document 140 as described more completely below. Identifier field 312 (FIG. 3) can be used by other temporal annotation entries to associate such other temporal annotation entries with annotation entry 300. In this way, temporal annotation entry 300 can be annotated in the manner multimedia document 140 (FIG. 9) is annotated as described herein. By enabling annotation of temporal annotations, threads of discussion can develop in which a second temporal annotation responds to a first temporal annotation, a third temporal annotation responds to the second temporal annotation and so on. Such recursive annotation provides an environment which facilitates collaboration and fruitful discussion which has heretofore not been realized in multimedia.

A careful reading of the foregoing citations fails to disclose the features of an icon defining a portion of the audiovisual production to be displayed upon selection of the icon.

Claim 49

Claim 49 is believed to be in condition for allowance over the cited art at least for the same reasons as its base claim, as well as its unique patentable features.

In addition, with respect to Claim 49, the Office Action alleges:

Gupta teaches selecting annotations from a list, and providing a table of contents (Gupta Figure 10, column 11 lines 27-35, column 2 lines 58-61), providing reasonable suggestion to one of ordinary skill in the art at the time of the invention to interpret said lists as "headers" or titles - "subject lines", of messages, facilitating clarity of messages.

However, the Office Action has inadvertently mischaracterized Gupta. The citation relied upon by the Office Action makes no mention of a message indicator that includes a header of the message.

Fig. 10 does not refer to messages or message headers. Instead Figure 10 is directed to the multimedia document 140 itself. Gupta states that "FIG. 10 is a block diagram of the multimedia document of FIGS. 1C and 9 in greater detail, showing the inclusion of GUIDs in various components of the multimedia document." Similarly, Col. 11, lines 27-35 is directed to components of the multimedia document 140, and does not mention that a message indicator includes a message header (see below).

Accordingly, components of multimedia document 140, e.g., motion video content 902, audio content 904, text 906, graphical images 908, annotation stream 912, and table of contents 914, are protected from inadvertent or intentional corruption or destruction by the, user, yet the user can augment and annotate the substantive content of the presentation of multimedia document 140. (Gupta, Col. 11, lines 27-35)

Further, Gupta, Col. 2, lines 58-61, makes no mention of message header.

Specifically, a graphical user interface of the multimedia document player enables the user to jump within the playback of a multimedia document to a particular relative time associated with a temporal annotation, Specifically, the user can select a temporal annotation from a list, and playback of the multimedia document by the multimedia document player immediately proceeds to presentation of the multimedia document such that temporally-dimensioned

content is presented at the particular relative time represented by the selected temporal annotation.

A careful reading of the foregoing citations fails to disclose the features of the message indicator including a header of the message.

Claim 56

Claim 56 is believed to be in condition for allowance over the cited art at least for the same reasons as its base claim, as well as its unique patentable features.

In addition, with respect to Claim 56, the Office Action appears to admit that references do not disclose the elements "determining that the user has selected one of the additional message indicators; and expanding the one of the additional message indicators to include at least a portion of the message associated with the one of the additional message indicators." Nonetheless, the Office Action alleges:

It is noted that threads of discussion (i.e. in a typical forum) typically involve user(s) analyzing some or all displayed messages (including headers and content bodies) in an expanded threaded view, facilitating further discussion.

Thus, without explicitly stating that the Office Action is relying on Official Notice, nonetheless, the Office Action appears to rely on Official Notice to supply the missing elements. Applicant respectfully requests that confirmation be provided that the Office Action is relying on Official Notice. Further, if Official Notice is being taken, Applicant respectfully traverses this attempted use of Official Notice as improper. Consequently, a necessary element of a prima facie case is absent.

The Office Action attempts to take Official Notice of matter that is not "capable of instant and unquestionable demonstration", as expressly required by section 2144.03(A) of the *MPEP*. Indeed, even assuming *arguendo* that threads of discussion involve user(s) analyzing some or all displayed messages (including headers and content bodies) in an expanded threaded view is a fact, this fact would be neither of notorious character nor instantly and unquestionably demonstrable. Further, "[a]ssertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art." MPEP 2144.03(A). Thus, the Office Action's attempt

to officially notice what is well established in the art with respect to the elements for which Official Notice is taken is improper as a matter of law.

In sum, the Office Action assertion of Official Notice is improper and traversed. Consequently, there are evidentiary gaps in the rejection of dependent Claim 56 that is fatal to a *prima facie* case of obviousness. If the rejection is maintained, Applicant respectfully requests that the Office Action provides Applicant with evidence that the officially-noticed subject matter exists in the relevant prior art.

Claim 57

Claim 57 is believed to be in condition for allowance over the cited art at least for the same reasons as its base claim, as well as its unique patentable features.

In addition, with respect to Claim 57, the Office Action appears to admit that references do not disclose the elements "removing a message indicator in the plurality of message indicators from the display after a period of time has passed." Nonetheless, the Office Action alleges:

> *Since storage space in repositories are generally finite, it was well established within electronic forums using message threads at the time of the invention to encapsulate all messages within a container period of time (i.e. messages from 2005, etc.) as one indicator, providing reasonable suggestion to the skilled artisan to remove stale messages from a forum and archiving said stale messages, facilitating efficient collaboration and discussion (Gupta column 10 lines 29-30).*

Thus, without explicitly stating that the Office Action is relying on Official Notice, nonetheless, the Office Action appears to rely on Official Notice to supply the missing elements. In particular, Office Action alleges that "it was well established within electronic forums using message threads at the time of the invention to encapsulate all messages within a container period of time (i.e. messages from 2005, etc.) as one indicator". Applicant respectfully requests that confirmation be provided that the Office Action is relying on Official Notice. Further, if Official Notice is being taken, Applicant respectfully traverses this attempted use of Official Notice as improper. Consequently, a necessary element of a prima facie case is absent.

The Office Action attempts to take Official Notice of matter that is not "capable of instant and unquestionable demonstration", as expressly required by section

2144.03(A) of the *MPEP*. Indeed, even assuming *arguendo* that it was established within electronic forums using message threads at the time of the invention to encapsulate all messages within a container period of time as one indicator is a fact, this fact would be neither of notorious character nor instantly and unquestionably demonstrable. Further, "[a]ssertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art." MPEP 2144.03(A). Thus, the Office Action's attempt to officially notice what is well established in the art with respect to the elements for which Official Notice is taken is improper as a matter of law.

In sum, the Office Action assertion of Official Notice is improper and traversed. Consequently, there are evidentiary gaps in the rejection of dependent Claim 57 that is fatal to a *prima facie* case of obviousness. If the rejection is maintained, Applicant respectfully requests that the Office Action provides Applicant with evidence that the officially-noticed subject matter exists in the relevant prior art.

Claim 60

In rejecting Claim 60, the Office Action relies on the rational used in rejecting Claim 1. Therefore, Applicant traverses the rejection as similarly described with respect to Claim 1. In particular, the combination of Gupta, Hassell, and Ginn fails to teach or suggest:

> *An apparatus configured to display a message indicator in association with a predetermined interval of playback of an audiovisual production, the apparatus comprising:*
>
> *one or more processors; and*
>
> *a memory containing instructions that, when executed by the one or more processors, cause the one or more processors to perform operations comprising:*
>
> *playing back the audiovisual production in a first screen display size;*
>
> *displaying the message indicator during at least a portion of the predetermined interval of playback of the audiovisual production;*
>
> *determining that a user has selected the message indicator while the message indicator is displayed;*
>
> *automatically resizing the first screen display size to be a second screen display size that is smaller than the first screen display size, the second screen display size including the playback of the audiovisual production;*

providing a text window, wherein at least a portion of the text window is included in a portion of space previously occupied by the first screen display size;

displaying at least a portion of a message in response to the user selection of the message indicator in the text window, wherein the message is included in a thread of a plurality of messages;

displaying at least a portion of one or more of the plurality of messages in the thread in response to determining that the user has selected the message indicator;

generating an interface via which ratings for respective of the plurality of messages in the thread can be selected;

generating an interface via which filtering and/or sorting of the plurality of messages can be selected based at least in part on associated ratings;

in response to receiving a first user input, displaying one or more messages in a third screen display size, the third screen display size larger than the second screen display size and larger than the text window;

automatically pausing playback of the audiovisual production while displaying the one or more messages using the third screen size; and

in response to receiving a second user input after receiving the first user input, resuming playback of the audiovisual production.

In addition to the lack of teaching of each of the above-recited features of Claim 60, the combination of Gupta, Hassell, and Ginn also fails to teach or suggest the combination of features recited in Claim 60. Accordingly, Applicant respectfully requests reconsideration and allowance of amended Claim 60 and any claims that depend therefrom.

Claims 61-65, 69-72

In rejecting Claims 61-65, 69-72, the Office Action relies on the rational for rejecting Claims 2-3, 5, 49, 54-57. Applicant therefore traverses the rejection of Claims 61-65, 69-72 as similarly discussed above with respect to Claims 2-3, 5, 49, 54-57.

Claim 75

In rejecting Claim 75, the Office Action relies on the rational used in rejecting Claim 1. Therefore, Applicant traverses the rejection as similarly described with respect to Claim 1. In particular, the combination of Gupta, Hassell, and Ginn fails to teach or suggest:

A tangible computer-readable medium having computer-executable instructions stored thereon that, if executed by a computing device, cause the computing device to perform operations comprising:

playing back an audiovisual production in a first screen display size;

displaying a message indicator in association with a predetermined interval of playback of the audiovisual production during at least a portion of the predetermined interval of playback of the audiovisual production;

determining that a user has selected the message indicator while the message indicator is displayed;

automatically resizing the first screen display size to be a second screen display size that is smaller than the first screen display size, the second screen display size including the playback of the audiovisual production;

providing a text window, wherein at least a portion of the text window is included in a portion of space previously occupied by the first screen display size;

displaying at least a portion of a message in response to the user selection of the message indicator in the text window, wherein the message is included in a thread of a plurality of messages;

displaying at least a portion of one or more of the plurality of messages in the thread in response to determining that the user has selected the message indicator;

generating an interface via which ratings for one or more of the plurality of messages in the thread can be submitted;

generating an interface via which filtering and/or sorting of the plurality of messages based at least in part on associated rating may be selected;

in response to receiving a first user input, displaying one or more messages in a third screen display size, the third screen display size larger than the second screen display size and larger than the text window;

automatically pausing playback of the audiovisual production while displaying the one or more messages using the third screen size; and

in response to receiving a second user input after receiving the first user input, resuming playback of the audiovisual production.

In addition to the lack of teaching of each of the above-recited features of Claim 75, the combination of Gupta, Hassell, and Ginn also fails to teach or suggest the combination of features recited in Claim 75. Accordingly, Applicant respectfully requests reconsideration and allowance of amended Claim 75 and any claims that depend therefrom.

Claims 76-80, 84-87

In rejecting Claims 76-80, 84-87, the Office Action relies on the rational for rejecting Claims 2-3, 5, 49, 54-57. Applicant therefore traverses the rejection of Claims 76-80, 84-87 as similarly discussed above with respect to Claims 2-3, 5, 49, 54-57.

New Claims 107-109

New Claims 107-109 are supported by the specification and do not add new matter. Additionally, Claims 107-109 are each believed to be patentably distinct over the cited art. Consideration and prompt allowance of the new claims is respectfully requested.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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